IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.836 OF 1994

Raju Bindeshwari Varma ...Petitioner

Versus

State of Maharashtra & Anr. ...Respondents

.....

Mr.V.S.Kokitkar for Petitioner.

Mr.A.S.Gadkari, A.P.P. for Respondents.

ALONG WITH

CRIMINAL WRIT PETITION NO.1405 OF 1994

Shri Vishnu @ Maharaj Vasudev Koregaonkar ...Petitioner

Versus

The Deputy Commissioner of Police & Anr. ...Respondents

.....

CORAM: A.M.KHANWILKAR, J.

MARCH 18, 2005.

P.C.

1. In both these Petitions, exception is taken to the externment orders passed as back as in

1994 by the competent Authority against the Petitioners. The Petitioners have suffered externment period partly. This Court while entertaining the present Petitions, granted interim relief in favour of the Petitioners. Due to efflux of time, the purpose for which the externment orders were passed, must have come to an end.

2. In this backdrop, I am inclined to dispose of these Petitions with direction that the remaining period of externment shall not be enforced against the Petitioners, keeping all other questions open.

3. This course is adopted in view of the exposition in the Judgment of the Apex Court in the case of **Baby Naaz vs. Union of India reported in 1990 (Supp) SCC 163 (II)**.

4. I am conscious of the fact that there is already an order passed by this Court on March 19, 1997 making reference in respect of questions formulated in the order to be decided by the larger Bench. However, for the nature of order that I

propose to pass and which is based on the decision of the Apex Court referred to above, Counsel for the Petitioners fairly accept that it will not be necessary to decide the said questions.

5. Accordingly, these Petitions are disposed of on the above terms.

A.M.KHANWILKAR, J.